

ZB# 05-37

M & Y Builders

52-1-8.1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 8-22-05

ZBA #05-37 M.Y Builders (Area)
8 Schwartz Lane (52-1-8.1)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

November 29, 2005

**M & Y Builders
P.O. Box 995
Monsey, NY 10952**

SUBJECT: REQUEST FOR VARIANCE #05-37

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 52-1-8.1

In the Matter of the Application of

M & Y BUILDERS

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-37

WHEREAS, Thomas Ollie, p.e. represented M&Y Builders , owner(s) of 8 Schwartz Lane, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 21,847 sq. ft. Minimum Lot Area for proposed single family home at 8 Schwartz Lane in an R-1 Zone (52-1-8.1)

WHEREAS, a public hearing was held on AUGUST 22, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were two spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of but, two persons spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

- 1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.**
- 2. The Evidence presented by the Applicant showed that:**
 - (a) The property is a residential property located in a neighborhood of residential properties.**
 - (b) The property consists of a vacant lot on which the applicant proposes to build a single-family home.**

- (c) The lot met all the necessary legal requirements for building lots under the previous Town Zoning Law, but, an amendment to that law subsequent to the time the applicant acquired the lot, has caused this application.
- (d) Two objectants (Husband and Wife) stated that the property previously had functioned "Like a detention pond", and objected that the development of the property would interfere with drainage in the area. The objectants objected to any building on the property.
- (e) The applicant has replaced and additional culvert off his property at the request of the Town of New Windsor Highway Department. The objectants displayed a video to the Zoning Board of Appeals to which the applicant objected stating that the video was made in December of 2003 and that since that time, the aforementioned culvert has been replaced.
- (f) Before building the single-family home, if permitted, the applicant will put in place a Storm Water Management Plan an Erosion Control Plan to prevent runoff of sedimentation onto any of the adjoining properties during construction.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served, provided the applicant has in place before obtaining any building permit, a storm water management plan and an erosion control plan to prevent runoff or sedimentation onto any of the adjoining properties during construction and that during construction, the applicant maintains both of the aforementioned plans and takes all steps necessary to keep them in full force and effect, by allowing the granting of the requested area variance(s).

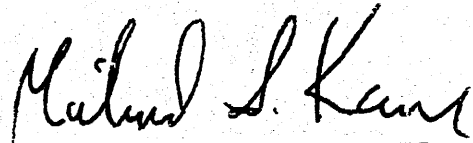
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 21,847 sq. ft. Minimum Lot Area for proposed single family home at 8 Schwartz Lane in an R-1 Zone (52-1-8.1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated:



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: April 11, 2005

**APPLICANT: M & Y BUILDERS
PO BOX 995
MONSEY, NY 10952**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: April 6, 2005

FOR : PROPOSED ONE FAMILY HOUSE

LOCATED AT: 8 SCHWARTZ LN

ZONE: R-1 Sec/Blk/ Lot: 52-1-8.1

DESCRIPTION OF EXISTING SITE: EXISTING VACANT LOT

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. PROPOSED ONE FAMILY HOUSE DOES NOT MEET MINIMUM LOT SIZE OF 80,000
SQ. FT.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-1 USE: Bulk Tables			
MIN LOT AREA:	C-5	80,000 sq. ft.	62,500 sq. ft. 17,500 sq. ft.
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

APR 06 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: PA2005-213

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Mary Builders Inc.

Address POB 995 Phone # 646-772-9726

Mailing Address POB 995 Fax # 845-485-7347

Name of Architect ERIC K. OSBORNE

Address 7 DOUCE PLAZA - SANY POINT NY Phone 917-4611

Name of Contractor Mary Builders

Address SAME Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer

(Name and title of corporate officer)

1. On what street is property located? On the 1643 side of RT. 207 + SCHWARTZ LANE
and 911 = 8 feet from the intersection of SCHWARTZ LANE
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 52 Block 1 Lot 8.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy VACANT LAND b. Intended use and occupancy NEW BUILDING
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? YES
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories 2
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms 4 Baths 2 1/2 Toilets _____ Heating Plant: Gas _____ Oil ☒
Electric/Hot Air _____ Hot Water ☒ If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$125,000 Fee ZONING BOARD

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael J. Roberts

date

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

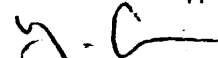
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychew
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

POB 995 MONSAY NY
10952
(Address of Applicant)

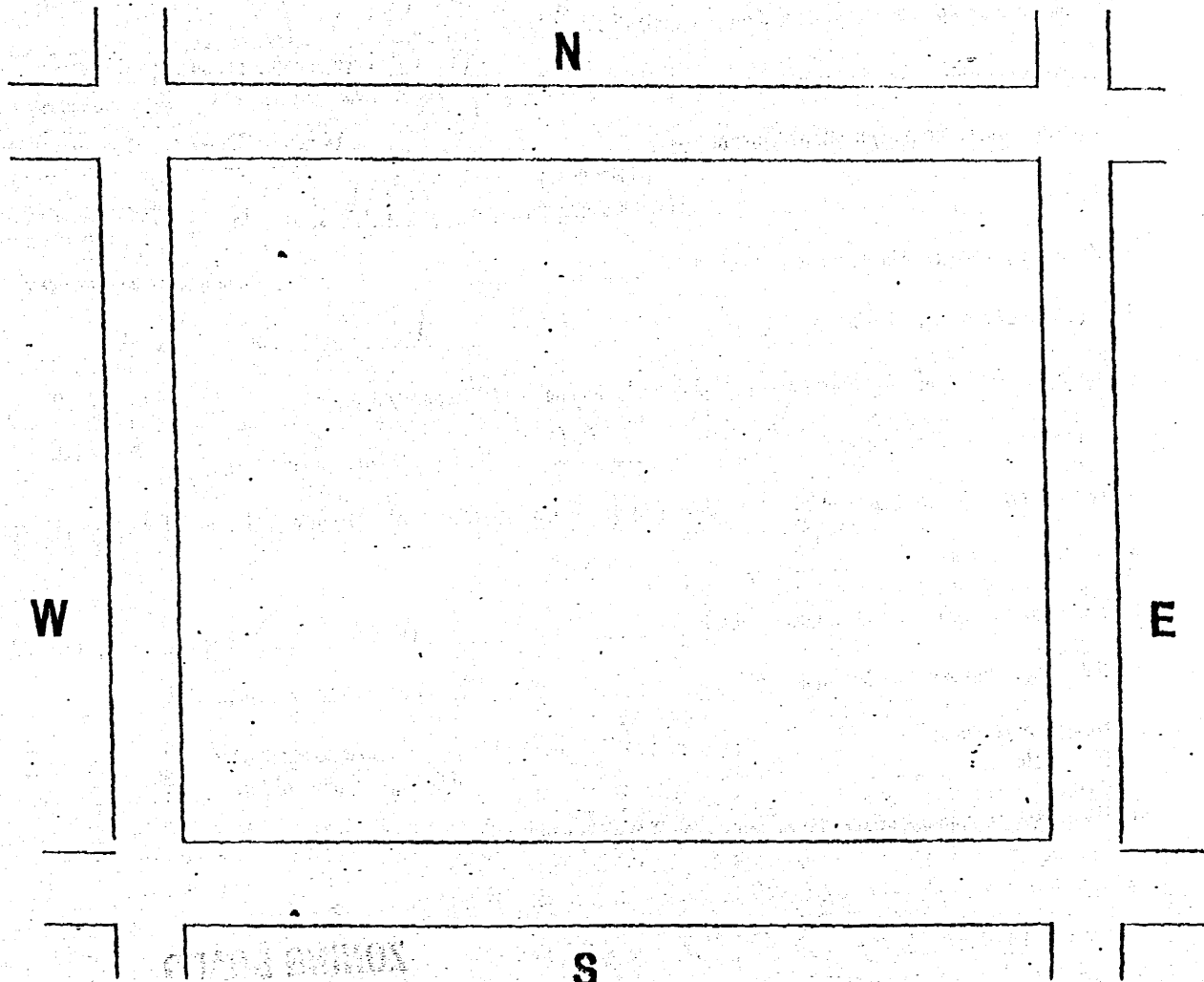

(Owner's Signature)

SAME
(Owner's Address)

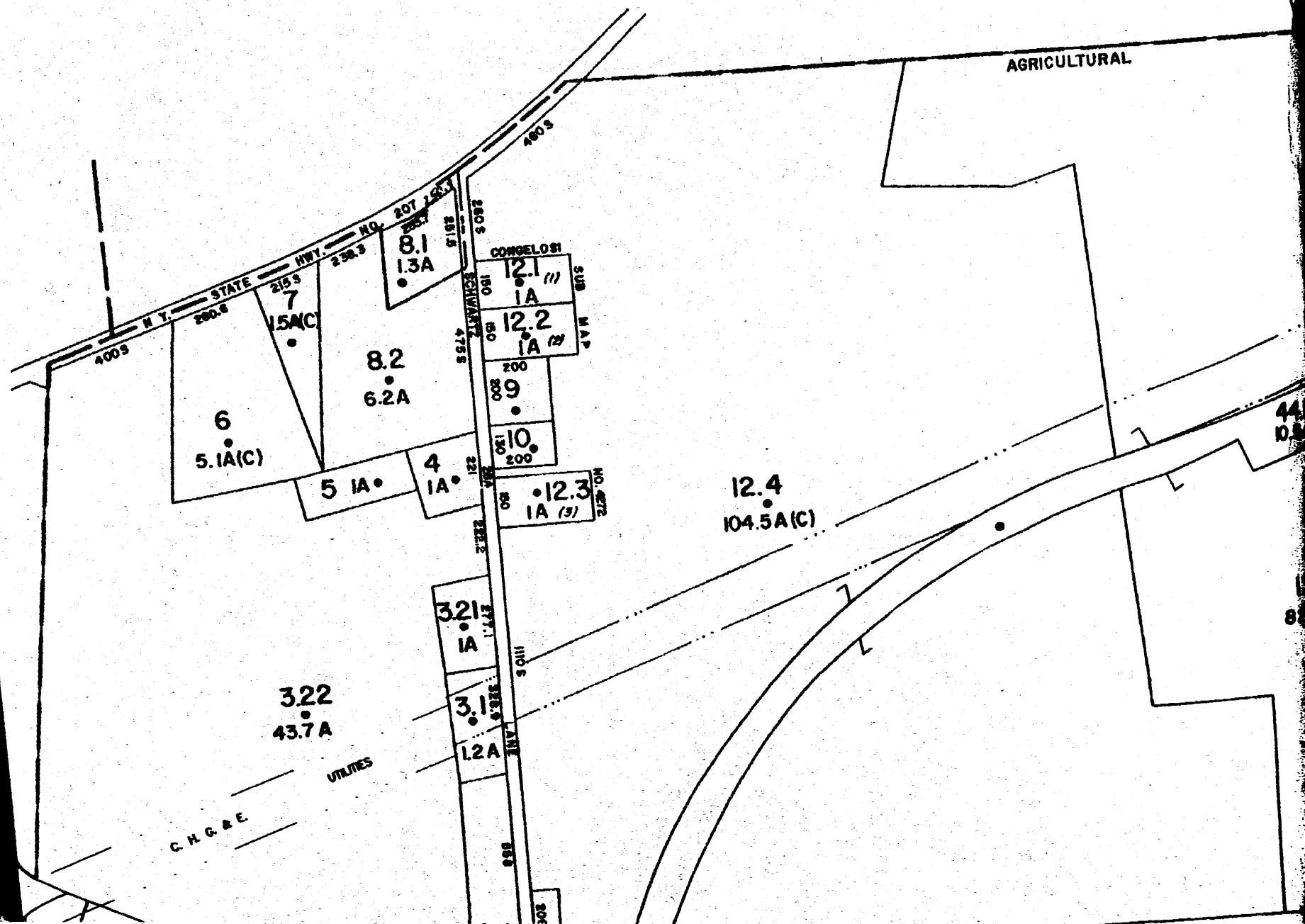
PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



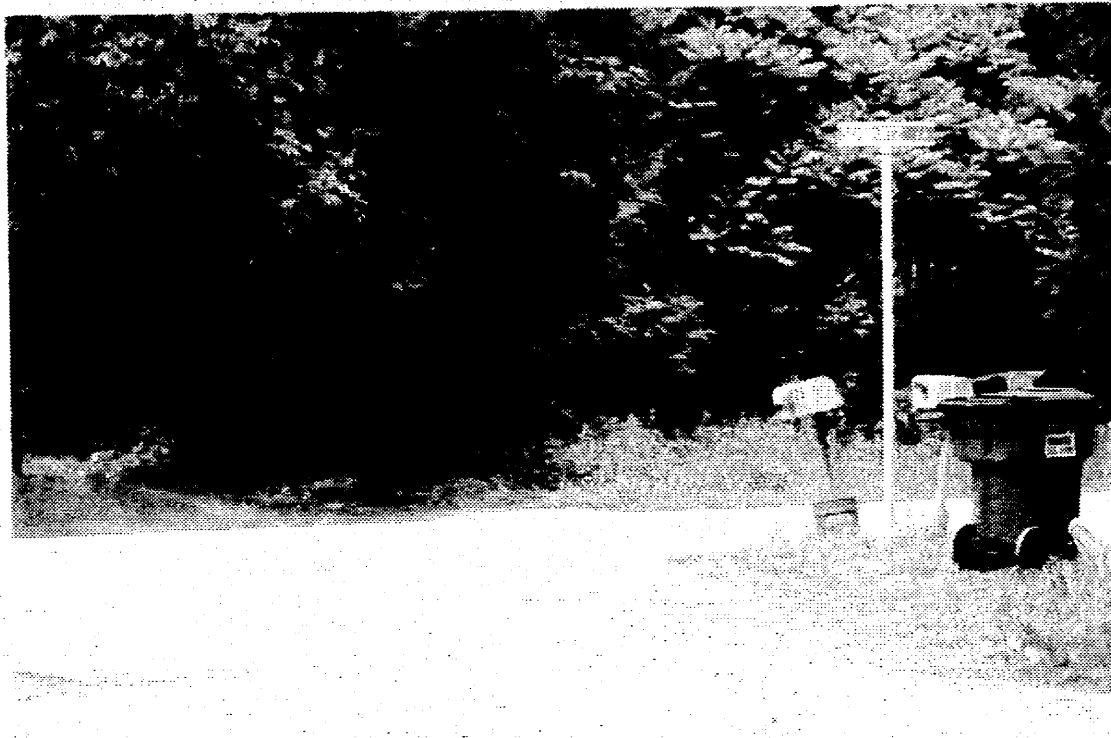
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT











**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 31, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 113.22 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-37

NAME & ADDRESS:

**M & Y Builders
P.O. Box 995
Monsey, NY 10952**

THANK YOU,

MYRA

L.R.8-31-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-37 TYPE: AREA TELEPHONE: 659-6552

APPLICANT:
M & Y Builders
P.O. Box 995
Monsey, NY 10952

RESIDENTIAL:	\$ 50.00	CHECK #8814
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 8815



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>
PUBLIC HEARING:	<u>9</u>	PAGES	<u>\$ 49.50</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>

LEGAL AD: Publish Date: 8-11-05 \$ 45.28

TOTAL:	<u>\$116.78</u>	<u>\$ 70.00</u>
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ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 186.78

AMOUNT DUE: \$ _____

REFUND DUE: \$ 113.22

Cc:

L.R. 8-31-05

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-37
Request of **M&Y BUILDERS**
for a VARIANCE of the Zoning Local Law to Permit
Request for 21,847 sq. ft. Minimum Lot Area for proposed
single family home at 8 Schwartz Lane in an R-1 Zone
(52-1-8.1).

PUBLIC HEARING will take place on AUGUST 22,
2005 at the New Windsor Town Hall, 555 Union Avenue,
New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1786305 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODRIL Date: 08/08/2005 Assigned Sales: AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 08/11/2005 End Date - 08/11/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPE

PRODUCTION:

Text Size: 2 x 24.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 45.28 Payment Method: B1 Amount Paid: 0 Amount Owed: 45.28

• PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

PUBLIC HEARINGS: _____

M & Y BUILDERS (05-37) _____

MR. KANE: Request for 21,847 square foot minimum lot area for proposed single family home at 8 Schwartz Lane.

MR. OLLIE: My name is Thomas Ollie, I'm an engineer located in Walden, New York, we represent M & Y Builders in this application. M & Y purchased the subject piece of property back in late 2002, early 2003 and at the time the area requirement for the construction of a residence in the R-1 zone was I believe 40,000 square feet. In the interim, between then and now, the zoning requirements was increased to 80,000 square feet. M & Y's lot consists of approximately 58,153 feet so there's a deficit of 21,847 square feet in order to meet the minimum lot size for the property. M & Y are builders, they intend to build a 4 bedroom approximately 3,000 square feet house that will meet all of the zoning requirements except for the lot area as I have described it. The property has been cleared and vegetation has re-established itself, but it's all weeds at this point. At the last time that we were before the board, the board asked us to take some photographs of the site and we have done that. This photograph is looking at the site and up to the west on Route 207, this photograph is looking down Schwartz Lane and the property is on the left-hand side and this photograph is looking from Schwartz Lane out to 207 with the property also on the left-hand side of the picture. Schwartz Lane is a private road, when M & Y began the process of preparing the lot for construction, they spoke with the highway superintendent and the highway superintendent made a request that a collapsing culvert be replaced just to the south of the property on Schwartz Lane. Mr. Grossman, who is the principal of M & Y complied with that replacing the rusted rotted

corrugated metal pipe with a new plastic pipe and also resurfaced Schwartz Lane with fresh Item 4 and also widened the portion of Schwartz Lane in front of the property as suggested by the highway superintendent in order to accommodate the driveway for this property and to better accommodate two way traffic on that portion of Schwartz Lane. There was the concern raised by several neighbors about drainage on the property and Mr. Grossman retained our office to do an evaluation of that and after gathering together some historic mapping of that area we were able to determine that for the most part storm water did travel from a north to south direction across the property. But while Mr. Grossman had the equipment there, he could construct some swales, some berms to prevent water from running across the intersection of Schwartz Lane at 207 and also to grade the front of his property, create a low point which would serve to provide some detention of the storm water runoff thereby alleviating some of the runoff problems that were raised by some of the nearby residents. At this point, I'd be happy to answer any questions that the board has and obviously when you open it up to public comment as well.

MR. REIS: Mr. Chairman, if I may interrupt, our company was involved with the sale of this property to Mr. Grossman, the sale has taken place a long time ago, I think I will be able to comment and vote if that's okay with you.

MR. KRIEGER: So you don't stand to either profit or hurt by any determination that this board would make?

MR. REIS: No, correct.

MR. KRIEGER: Okay.

MR. KANE: Not a problem.

MR. OLLIE: For the record, the applicant recognizes

that Mr. Reis has involvement in the project at this time or in the future as a result of any decision that would be made here.

MR. KANE: Okay, at this point what I am going to do is open it up to the public and hear what they have to say and speak. Anybody have anything to say about this application? Please state your name and your address.

MR. JONES: My name is Nicholas Jones, I have adjoining property and the farm below it, lot of things are neglected here in the pictures and stuff that should be said, originally the lot had a stone wall on it, trees along it, stone wall was buried, pine tree fell over, took out power lines, 40 foot power lines, it's been an ongoing I guess we'd say joke on Schwartz Lane, very inconsiderate to the neighbors on the lane. When I went there, the man operating the backhoe, the tree was down, was burying the pipe, I said, you know, those wires are live, oh, no they're dead, they snapped off. I said you better call somebody, I don't have any power, so he pulls out the phone, calls 9-1-1, gets Central Hudson, cleared the tree, I believe they were given a summons by DEC for totally stripping the land without a permit. I have videos that will show water flow that's happened with this property, the property's had, it's been ditched with subsurface drainage to try to pick up this drainage, this excessive amount of drainage that it receives from the roadway, the six inch pipe was changed to a 15 inch pipe, not on M & Y's property, actually according to my deed I own halfway across there so the pipe is now in my, in the lot that I have, and all the water's been diverted from the front where it was flooded, the State Department would not give them permission to put in a pipe so they decided to divert it all down the other way and put into a 15 inch pipe that's improperly installed, it's not dug in, not put down, no footing, it's almost up to the surface of the ground. Everything on this site when questioning the Town people come out, well, it's

not a legal road so, you know, it becomes a legal matter for you, so what we have put up I can show you here on video flooding my front field, now flooding my back fields was all this was diverted to the increased pipe that was put in with never asking permission to me being that it adjoins my property and according to my deed I own halfway to the center of the road. Should have never been sold as building lot to begin with, it's been a detention pond for 50 years, that's what the property has been. So by stripping the stone walls, pushing the limits on the boundaries, by widening the road and I really challenge that question that the superintendent told him to go down and remove that pipe because if you ask you, get the superintendent, I called him on the phone, he said he never made any such statement. So there's a big question there, I think that the highway superintendent should get called into it and asked about it. You want to view the video, I have it here of the flood zone that's been created, I've got to get my wife to operate the video.

MR. KANE: Not a problem.

MRS. JONES: This has been going on since 2003.

MR. JONES: We had a quick snow and a quick warm up melted right off.

MR. KANE: Is this off Schwartz Lane?

MRS. JONES: This is the lot that you're looking at.

MR. JONES: That's their lot, the pipe I'm not sure yet but the pipe shows water is actually uphill on 207.

MRS. JONES: And when it rains now the pipe that's going onto our property the 15 inch pipe it's going like a fire hose.

MR. JONES: Like a hydrant.

MRS. JONES: You can see at end of the lane where the brown water was running into our field 15 feet wide, eight inches deep.

MR. KANE: A lot of water.

MRS. JONES: And if you're building for this many years and you know when it rains you're going to have this problem why wasn't stuff put there from keeping everything from going into our fields and our pipes.

MR. JONES: Whenever we ask the Town can they put fill, they can do whatever they want, it's their lot so they lay subsurface drains.

MRS. JONES: They put I don't know how much fill they brought in.

MR. JONES: It's never going to perc, it's gray muck.

MR. KANE: Again, it's their property so they have a right to do that.

MR. JONES: But they don't have a right to send the water.

MRS. JONES: We have lived there for over 20 years, it was never this situation before at all, this was created.

MR. KANE: Okay, thank you.

MR. JONES: And the other thing well again like I say the superintendent when I questioned him I had referred him to change the pipe which is not on his property, his deed does show that he owns across the road but he has egress to people living on the lane, I mean, the State Highway Department saw the property that's the

problem.

MR. KANE: Is that all, sir?

MR. JONES: I guess so cause I have been also we did obtain a lawyer and M & Y did not show up at the hearing so I think the court has granted us whatever it is obtainable right or something for that hearing.

MR. KANE: Thank you. So I'm not being facetious or anything but I have to ask the question so you're against this motion?

MR. JONES: To, yeah, to put a house in there, it's only going to increase the water flow if you put a house, put pavement, put a driveway, how can you put a house in a lot that you saw that water coming out of the pipe, how can you put a house there, it's not going to, how is it going to perc, they're not going to be able to put a septic system.

MR. KANE: Would you like to address the water issue?

MR. OLLIE: Yes, first of all, I just if I might ask Mr. Jones I saw the date on that was December, 2003 is that when that was recorded?

MRS. JONES: Yes.

MR. OLLIE: Since that time, I just want to get the dates correct since is that time we had been retained and I think part of that was in response to the notice that the Jones had filed against M & Y and I personally met with their attorney, the Jones' attorney out in the field to discuss these drainage issues and what was asked of us and what we prepared was a drainage study to evaluate what the conditions were beforehand and then to try to mitigate it in some fashion and first of all I don't know what the exact size of that culvert was beforehand, and I was retained after the culvert

was replaced so I can't testify to that. However, what I can testify to is my knowledge of storm water runoff and drainage as a professional engineer and irregardless of that pipe size the water did flow historically across M & Y's property to that area around the culvert whether it flowed over the top of the road over through the culvert or combination of both there's strong evidence based on the topographic mapping the USGS mapping and even some of the some limited access we had available to the DOT topographic mapping from Stewart Airport that actually overlays that area, it's quite evident that the water traveled from as you're standing on Schwartz Lane with 207 on your right from the upper right-hand corner of the property to the lower left-hand corner. The property is wet, or is subject to seasonal flooding, especially down in that area we performed percolation tests out there, we have determined that a shallow absorption type of sewage disposal system would have to be constructed on that property because as you go down deeper, yes, you do run into heavier clay soils but those are things permissible within the guidelines of the New York State Department of Health for the design of a septic system in addition to the, what I described before as our evaluation of that property we did look to see how we can mitigate whatever affects we would have of constructing a home on that property. And one of them would be to regrade the front yard for which we have developed a grading plan that would create another low spot that would help to minimize the rate of runoff coming from the M & Y property in deference to the downstream owners. Historically, water also did flow across Schwartz Lane at or the intersection with 207. In an effort to improve a safety hazard of freezing in that area during the winter time we did berm and redirect some of the water along our property into these low areas that have been excavated and will be further improved at the time of construction when more impervious areas are added so we're trying to be a good neighbor, we did meet with the Jones' lawyer out there

and an engineer that was representing them and we forwarded our plan onto their engineer and as far as I know, he was satisfied with that as a mitigation effort, mitigation measure, the property is in an R-1 district, the change in the lot area it is very similar to every other lot that is along Schwartz Lane and with the mitigation that we're proposing we feel that we're not creating any additional impact on the neighborhood or the community by requesting this variance.

MR. KANE: Okay, thank you. One question before I close the public portion first is there anybody else that wants to speak on this? Mr. Jones, we just had some heavy rains earlier this summer, how did that corner lot off that highway handle it?

MR. JONES: Not well. There's people that live down the lane that have been there, Mary Sanders, she's been there longer than I have, probably twice as long I have, never seen water come across the front of Schwartz Lane.

MR. KANE: Okay, at this point, I'll close the public portion of the meeting and ask how many mailings we had?

MS. GALLAGHER: On the 10th of August, 8 mailings were sent out with no responses.

MR. KANE: Bring it back to the board. Questions?

MR. MC DONALD: The video that we were looking at was that before you did this?

MR. OLLIE: Yes, yes, this work that was described was done early this spring, the video goes back to December of 2003 and admittedly there were problems when they did the work there was by the way Mr. Jones is correct in that the DEC did make a citation but that was dismissed in that M & Y did not violate any of the

August 22, 2005

47

requirements of the SPDES so a citation was made but it was after investigation it was found that there was no violation so and since that time, vegetation has re-established itself, which is anyone in our business will tell you that's key to--

MR. JONES: That's purple--

MR. OLLIE: Which is key to minimizing the impacts of that runoff as it will hold the soil.

MR. KANE: But that vegetation won't there be when the home is built.

MR. OLLIE: A certain amount of it will be removed and we'll put in place a storm water management plan, an erosion control plan for that work to prevent runoff of sedimentation onto any of the adjoining properties.

MR. KANE: Okay, any other questions? No further questions? Accept a motion.

MR. REIS: I'll make a motion that we grant M & Y Builders the request for 21,847 square feet minimum lot area for proposed single family home at 8 Schwartz Lane.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	NO

M & Y BUILDERS (05-37)

Mr. Thomas Ollie appeared before the board for this proposal.

MR. KANE: Request for 21,847 square foot minimum lot area for proposed single family home at 8 Schwartz Lane.

MR. OLLIE: Thomas Ollie, engineer representing M & Y Builders. M & Y has an existing 58,153 square foot lot corner of Schwartz Lane and New York State Route 208, it's in the R-1 zone, the minimum lot size is 80,000 square feet and this is the only parcel that M & Y owns, no adjacent parcels and they're seeking to construct a single family house on that property and therefore they need a variance of 21,847 square feet from the minimum lot area, all other dimensions can be met.

MR. REIS: I was involved with the sale of this property to its current owner when it comes to the public hearing I will recuse myself.

MR. KANE: Noted. Thank you. Size of the home that's going on this lot?

MR. OLLIE: It's a three bedroom house, I don't have the dimensions offhand.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the home?

MR. OLLIE: It was a lot that had been previously disturbed, it had over grown with just low brush, it has been cleared, the owner erected a fence around it until it got re-established but it wasn't a wooded site to begin with.

MR. KANE: Creating any water hazards on runoffs?

MR. OLLIE: Actually he has channeled the water around the property, it came off of Route 207 kind of flowed across the property and he's met with the highway superintendent as well as several of the owners along Schwartz Lane, they replaced a culvert just south of the property on Schwartz Lane and we also conducted a little drainage study for them to determine if they could create some sort of a detention area on their property through grading and they have done that and we have prepared plans that will help minimize some of the drainage issues and there was also a pre-existing condition of water falling across the intersection of Schwartz and at 207 and as part of grading and the drainage we have corrected.

MR. KANE: That will be addressed?

MR. OLLIE: They have tried to eliminate that water from flowing across the property.

MR. KANE: During the public hearing expect to address that cause I'm sure with the public there's going to be a lot of questions about that.

MR. OLLIE: Yes.

MR. BABCOCK: Mr. Chairman, just one note for the record when this gentleman started this process with this lot, it was a conforming lot and just because of the water problems trying to get that straightened out, time has passed and now the lot is substandard, before it was 43,560 which he wouldn't of needed a variance.

MR. KANE: Thank you, Mike.

MR. REIS: Also Mike just so it's consistent on the notice of disapproval that we have it says the variance requested 17'5" on our preliminary meeting, agenda says 21,847.

MR. BABCOCK: 21,847 is the correct number, we have changed it on ours, 62.5 is the net area where we got that number from, I'm not sure, but the total square footage, so the correct number he's got 58,153 so he needs a variance of 21,847.

MR. KANE: Okay, no other variances are going to be needed for the home?

MR. OLLIE: That's correct.

MR. KANE: I have no further questions. Open to the board, anybody else?

MS. GANN: No.

MR. REIS: No.

MR. BROWN: No.

MR. KANE: Accept a motion?

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of M & Y Builders for the requested 21,847 square foot minimum lot area for a proposed single family home at 8 Schwartz Lane in an R-1 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	ABSTAIN
MR. KANE	AYE

MR. KANE: Excuse me, for the public hearing, can you

June 27, 2005

9

get me some good pictures of the roadway going both directions on that for that lot?

MR. OLLIE: Certainly, yes.

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Mey Builders

DATE: 8-22-05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Nicholas Jones	1679 LITTLE BREMEN RD	845-496-6088
2.	Juan Jones	17	
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			



RESULTS OF Z.B.A. MEETING OF: August 32, 2005

PROJECT: M+Y Builders ZBA # 05-37
P.B.#

P.B.# _____

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y____N____
REIS _____
KANE _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ **VOTE:** A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)____ S)____ VOTE: A N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) *lie* S) *lc* VOTE: A 3 N 1.

GANN
LOCEY
~~BROWN~~
MC DONALD
REIS
KANE

CARRIED: Y ✓ N

[illegible]

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

M & Y BUILDERS

AFFIDAVIT OF SERVICE BY MAIL

#05-37

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.


That on the 10TH day of AUGUST, 2005, I compared the 8 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Mrs. L. Mason

Myra L. Mason, Secretary

10th day of August, 2005


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

August 10, 2005

M & Y Builders
P.O. Box 995
Monsey, NY 10952

SUBJECT: REQUEST FOR VARIANCE #05-37

Dear Sir:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

8 Schwartz Lane
New Windsor, NY

is scheduled for the August 22, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

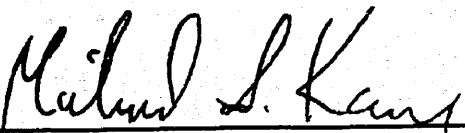
Appeal No. 05-37

Request of M&Y BUILDERS

for a VARIANCE of the Zoning Local Law to Permit:

Request for 21,847 sq. ft. Minimum Lot Area for proposed single family home at 8 Schwartz Lane in an R-1 Zone (52-1-8.1)

PUBLIC HEARING will take place on AUGUST 22, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-37

Request of **MAY BUILDERS**

for a **VARIANCE** of the Zoning Local Law to Permit Request for 21,847 sq. ft. Minimum Lot Area for proposed single family home at 8 Schwartz Lane in an R-1 Zone (S2-1-8.1).

PUBLIC HEARING will take place on **AUGUST 22, 2005** at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1786305 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODRIL Date: 08/08/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THL Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 08/11/2005 End Date - 08/11/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 24.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Turnsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 45.28 Payment Method: BI Amount Paid: 0 Amount Owed: 45.28

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

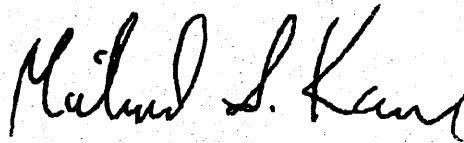
Appeal No. 05-37

Request of M&Y BUILDERS

for a VARIANCE of the Zoning Local Law to Permit:

Request for 21,847 sq. ft. Minimum Lot Area for proposed single family home at 8 Schwartz Lane in an R-1 Zone (52-1-8.1)

PUBLIC HEARING will take place on AUGUST 8, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 11, 2005

M & Y Builders
ATT: Mr. Grossman
P.O. Box 995
Monsey, NY 10952

Re: 52-1-8.1 ZBA#: 05-37 (8)

Dear Mr. Grossman:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is covered with your deposit of \$25.00.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

52-1-6
John Pellegrino
82 Knoell Road
Goshen, NY 10924

52-1-7
William & Karen Rave
1711 Little Britain Road
Rock Tavern, NY 12575

52-1-8.2
Dirk & Carmella Polman
1703 Little Britain Road
Rock Tavern, NY 12575

52-1-9
Yolanda & Lawrence Ferris, Jr.
25 Schwartz Lane
Rock Tavern, NY 12575

52-1-12.1
Nicholas Jones
1679 Little Britain Road
Rock Tavern, NY 12575

52-1-12.2
John & Ronnie Ranere
98 Van Cortland Park South
Bronx, NY 10463

52-1-12.4
Nicholas Jones
1679 Little Britain Road
Rock Tavern, NY 12575

29-1-5.1
NYS Dept. Environmental Conservation
c/o Orange County Comm. Of Finance
255-275 Main Street
Goshen, NY 10924

ZBA - #05-37 Application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#592-2005

07/01/2005

Builders, M & Y
P.o. Box 995
Monsey, NY 10952

Received \$ 50.00 for Zoning Board Fees, on 07/01/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-24-05

FOR: 05-27 ESCROW

FROM:

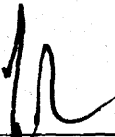
M & Y Builders
P.O. Box 995
Monsey, NY 10952

CHECK NUMBER: 8815

TELEPHONE: 659-6552

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

 7/1/05
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF:

June 27 2005PROJECT: M-4 BuildersZBA # 05-37

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) L S) G VOTE: A 5 N 0

GANN A
LOCEY A
BROWN A
~~MCDONALD~~
REIS A
KANE A

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

Low brush has been cleared
drainage to be addressed at P.H.

Need pictures from road



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

5/26/05
Date

Application Type: Use Variance ☒ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

M & Y BUILDERS
(Name)

Phone Number: (845) 659-6552

Fax Number: (845) 425-7347

PO Box 995 MONSEY NY 10952
(Address)

II. Applicant:

SAME
(Name)

Phone Number: ()

Fax Number: ()

(Address)

III. Forwarding Address, if any, for return of escrow:

SAME
(Name)

Phone Number: ()

Fax Number: ()

(Address)

IV. Contractor Engineer Architect/Surveyor/:

Phone Number (845) 778-5638

Fax Number: (845) 778-1137

THOMAS B. DILEY, P.E., PLLC
(Name)

152 ORANGE AVENUE. WALDEN NY 12586
(Address)

V. Property Information:

Zone: R1 Property Address in Question: 8 SCHWARTZ LANE

Lot Size: 1.3 AC Tax Map Number: Section 52 Block 1 Lot 8.1

a. What other zones lie within 500 feet? AP

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner?

d. Has property been subdivided previously? YES If so, When:

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	80,000 SQ.FT.	58,153 SQ.FT.	21,847 SQ.FT.
Min. Lot Width	175	231.7	
Reqd. Front Yd.	45	45	
Reqd. Side Yd.	40	40	
Reqd. Rear Yd.	50	50	
Reqd. St Front*	70	251.5	
Max. Bldg. Hgt.	35	<35	
Min. Floor Area*	1,200	>1200	
Dev. Coverage*	20%	9±%	
Floor Area Ration**	N/A	N/A	
Parking Area	2+	2+	

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

(1) Existing lots along Schwartz Lane are smaller than the subject lot, therefore the subject lot is similar to most lots on Schwartz Lane. (2) The benefit sought by the owner cannot be achieved by any other means. The applicant does not own any other contiguous property. (3) The variance is not substantial in balance it will not significantly alter the overall density of the area and the lot met all zoning requirements when it was created. (4) The granting of a variance will not result in any unmitigated adverse effect on the neighborhood or district. (5) The hardship was not self-created but resulted from the Town's amendment of the zoning law. Any feasible residential use of the subject property requires a variance.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

THE BUILDER WILL CONSTRUCT DRAINAGE FACILITIES INCLUDING REPLACEMENT OF A CULVERT UNDER SCHWARTZ LA. (COMPLETED) TO MITIGATE EXISTING DRAINAGE PROBLEMS AND RESURFACE PORTION OF SCHWARTZ LANE IN FRONT OF PROPERTY WITH FRESH ITEM 4.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
 - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

31st day of May 2005.

Abraham Grossman
Owner's Signature (Notarized)

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

J. P. Gallegos
Signature and Stamp of Notary

Abraham Grossman
Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

M2Y Builders, deposes and says that he resides
(OWNER)
at PO Box 995 Morsey, N.Y. in the County of Rockland
(OWNER'S ADDRESS)

and State of _____ and that he is the owner of property tax map
(Sec. 52 Block 1 Lot 8.1)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Abraham Grossman
(Applicant Name & Address, if different from owner)

Thomas B. Olley, PE, PLLC 152 ORANGE AVE. WALDEN, NY 12586
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: May 31st, 2005
Sworn to before me this:
31st day of May 2005

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

Signature and Stamp of Notary

** Abraham Grossman
Owner's Signature (MUST BE NOTARIZED)

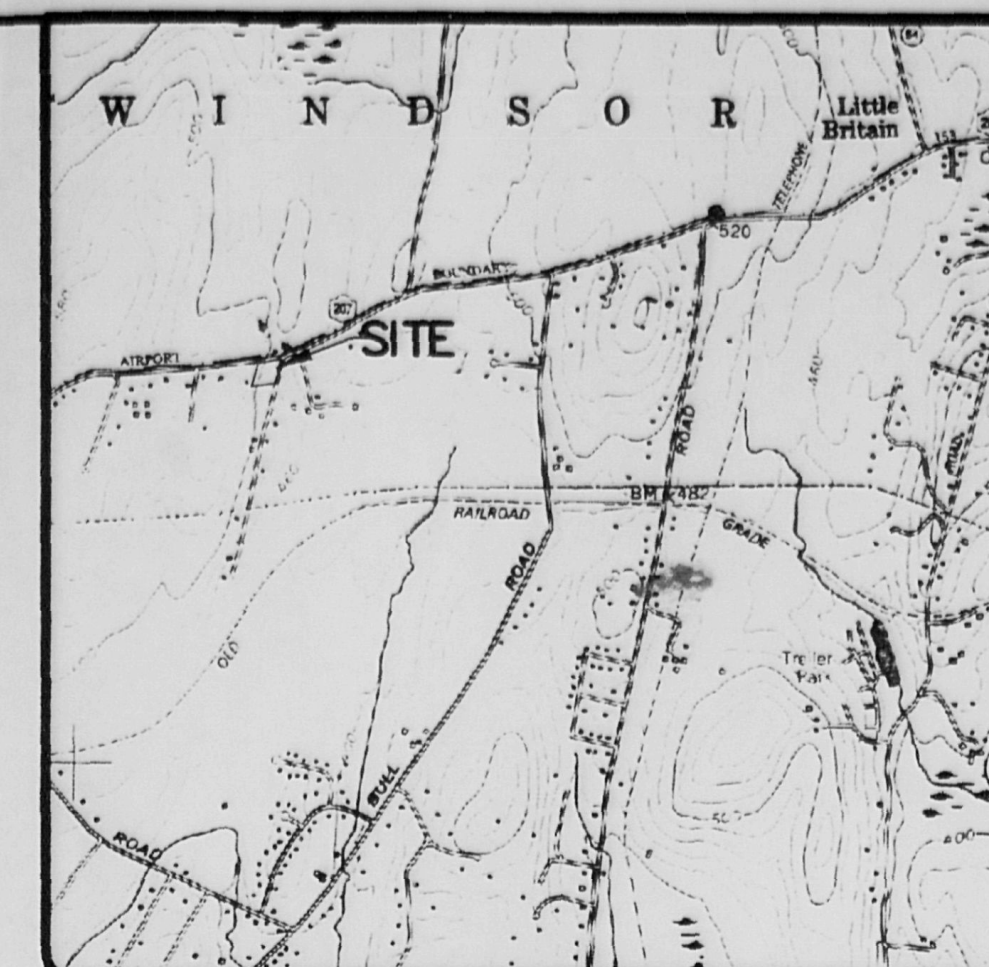
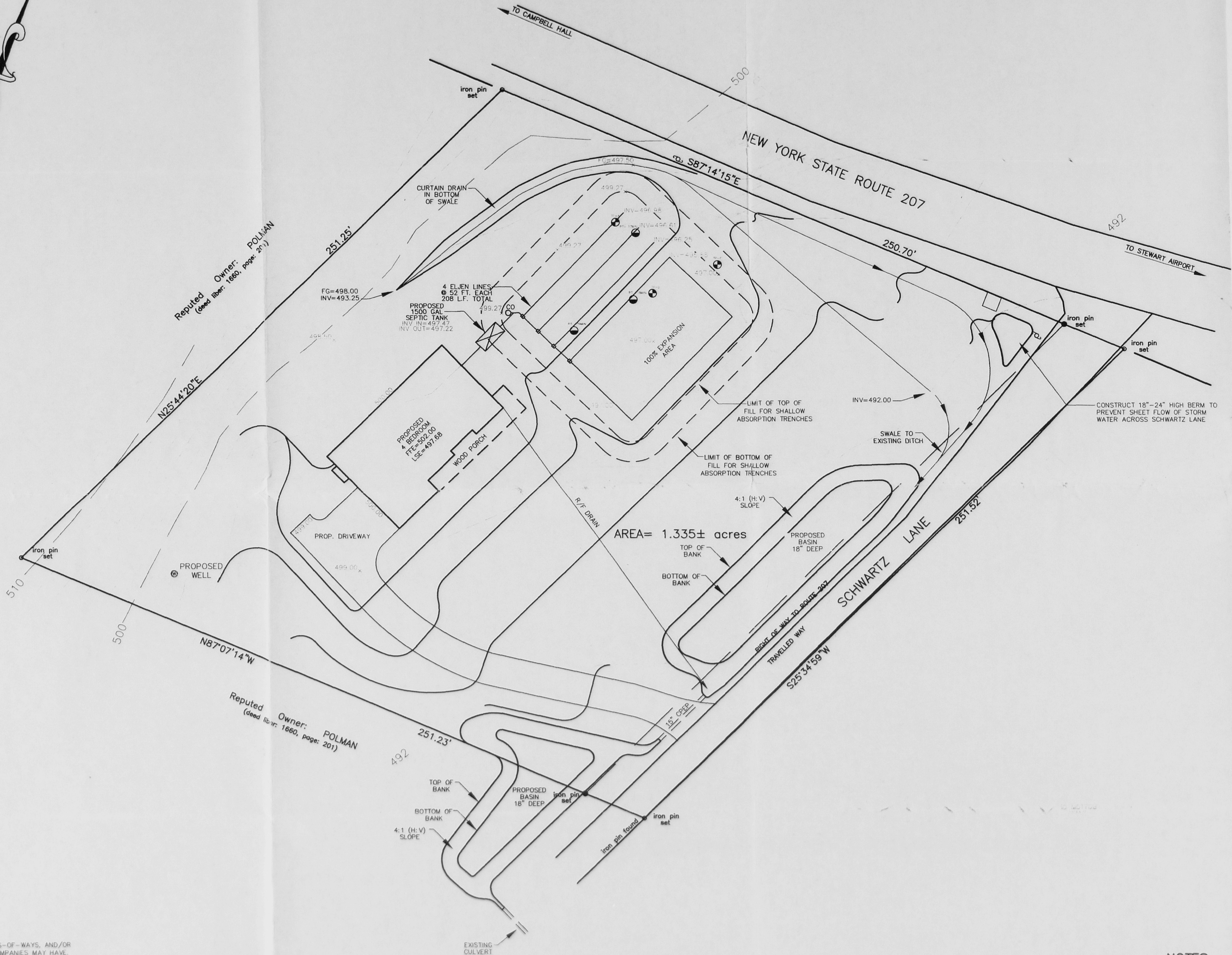
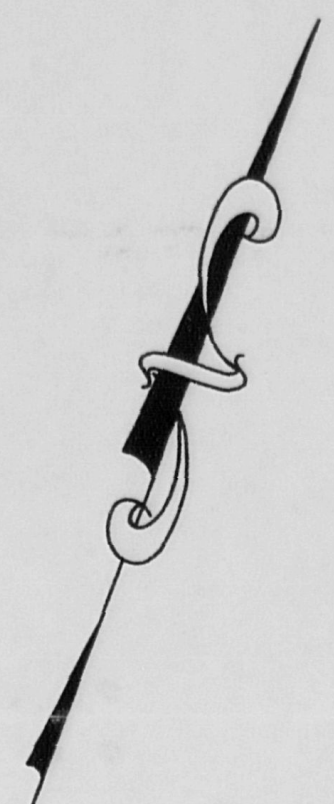
Abraham Grossman
Applicant's Signature (If different than owner)

Thomas B. Olley
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐



LOCATION MAP
MAYBROOK QUADRANGLE
SCALE: 1"=2000'

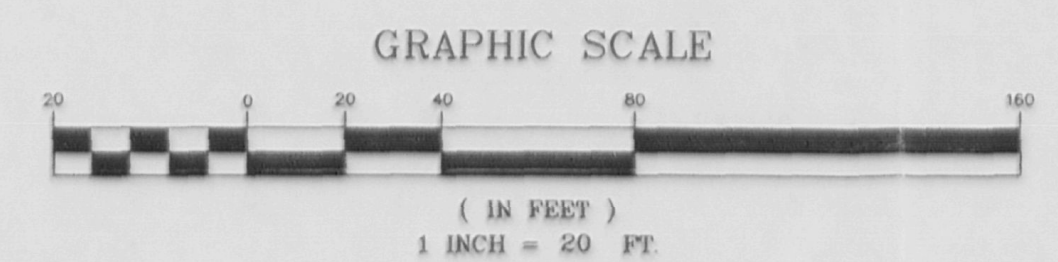
REFERENCES:

TAX MAP DATA:
SECTION: 52
BLOCK: 1
LOT: 8.1

DEED LIBER: 1936, PAGE: 718

SURVEY NOTES:

SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAYS, AND/OR AGREEMENTS THAT THE UTILITY COMPANIES MAY HAVE. SUBJECT TO SUCH FACTS DISCLOSED BY AN ACCURATE, UP-TO-DATE TITLE SEARCH.
OFFSETS SHOWN HEREON ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES AND/OR FENCE INSTALLATION. CONTOURS SHOWN HEREON WERE COMPILED FROM AN ACTUAL FIELD SURVEY DATED 28 JUNE 2004 AND ARE BASED ON ASSUMED U.S.G.S. DATUM.



NOTES:

1. BOUNDARY AND TOPOGRAPHIC SURVEY SHOWN HEREON PROVIDED BY WEEDEN SURVEYING.
2. THE PROPOSED SEWAGE DISPOSAL SYSTEM REQUIRES THE INSTALLATION OF A SHALLOW ABSORPTION SYSTEM AND ELLEN IN-DRAIN SEWAGE DISPOSAL SYSTEM.
3. THE FILL FOR THE EXPANSION AREA IS TO BE PLACED AT TIME OF INITIAL CONSTRUCTION.
4. PERCOLATION TESTS MUST BE PERFORMED UNDER THE SUPERVISION OF A NYS LICENSED PROFESSIONAL ENGINEER FOLLOWING PLACEMENT & COMPACTION OF FILL MATERIAL.
5. THE CURTAIN DRAIN IS TO BE INSTALLED PRIOR TO PLACEMENT OF THE FILL.

Drawn by: RAQ
Checked by: TBO
Approved by: TBO
Date: FEBRUARY 25, 2005

Rev.	Date	Description

THOMAS B. OLLEY, P.E.
152 Orange Avenue
Walden, NY 12586
Phone: 845.778.5638
Fax: 845.778.1137
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DRAINAGE PLAN
M + Y BUILDERS
ROUTE 207 AND SCHWARTZ LANE
TOWN OF NEW WINDSOR, ORANGE COUNTY, NY

Sheet No.
1 OF 1
Project No.